

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHARLES T MCINTOSH ,

Plaintiff,

v.

Case No. 09-C-1106

CAPTAIN JADIN, C.O. MALUEG,
and NORB WENDRICKS,,

Defendants.

ORDER

The parties have stipulated to an extension of time for Plaintiff to respond to the Defendant's motions for summary judgment and for an enlargement of the page limitation of Plaintiff's response brief. The court has no difficulty granting the Order, except for the existence of a *Mack* order entered by the United States Court of Appeals for the Seventh Circuit on July 29, 2013, in *McIntosh v. United States*, appeal number 13-C-1073. McIntosh was fined \$500.00 for submitting frivolous papers to the Court of Appeals. The court directed that "until he pays that sum in full to the Clerk of the Court of Appeals, McIntosh is barred from filing further civil suits in the courts of this circuit in accordance with *Support Sys. Int'l v. Mack*, 45 F.3d 185 (7th Cir. 1995), and any papers he submits will be returned unfiled. It is unclear from the language of the order whether it applies to papers filed in civil cases that were already pending at the time the Court of Appeals entered its order. *Compare In re City of Chicago*, 500 F.3d 582 (7th Cir. 2007) ("Accordingly, IT IS ORDERED that the clerks of all federal courts in this circuit are directed to

return unfiled any papers submitted either directly or indirectly by or on behalf of Prince Foryoh in this or any of his pending cases in this court or district courts unless and until he pays in full all fees and costs from all of his federal suits.”) (citing *Mack*, 45 F.3d at 186.). If the Court of Appeals’ Sanction Order does apply, McIntosh will have to pay the \$500 before his brief can be accepted for filing. Thus, while the court hereby approves the stipulation of the parties, McIntosh will have to address the sanction before his brief can be accepted.

SO ORDERED this 13th day of September, 2013.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court